

SUMMARY OF January 7, 2004 MEETING

A meeting of the Maricopa County Local Emergency Planning Committee (MCLEPC) was convened on January 7, 2004 at 2:00 P.M. at the Maricopa Medical Center located at 2601 East Roosevelt, Phoenix, AZ 85008, Auditorium 1.

- *Members in Attendance*

Cliff Puckett, Alan Jensen, Mary Price, MaryAlice Witzel, Tom Shannon, Tom Abbott, Timothy Jones, Harry Coyle, Steve Brittle, Joseph Early, Dr. Thomas, Tom Waldillig, Michael Trapasso, Committee Chairman Robert Spencer, Executive Director Tim Newbill, and LEPC Recording Secretary Kamilah Manuel.

- *Members Absent*

Joe Arpaio, Mike Fusco, David Jones, Maggie Lineback, Tom Mercy, Terry Petko, John Power, and Hal Rosen.

- *Others in Attendance –*

Rev. Ronald Frieson, Christina Hankins, Chaz Fleximar, Wally Boudway, Paula Osterday, Rod Aminian, Daniel Roe, Jeannine Cooper, Paul Lauri, Mary Ryle, Keith Nelson, Larry Fallis, Lawrie Fitzhugh and Mary Kanoon

Call to Order

Chairman Robert Spencer called the meeting to order at 2:00 P.M. with a quorum of the membership in attendance.

Approval of Meeting Minutes

A motion to approve the minutes of the October 1, 2003 meeting was made and second. Mr. Brittle objected to this motion addressing his concerns that the call to the public is not detailed enough, considering people took the time from their busy schedules to attend. Chairman Spencer pointed out new tape recorder since minutes from last meeting did not record. Attendees who spoke at the public offering will be contacted for comments. The approval of the minutes was tabled until the next meeting.

Introductions

Subcommittee Reports

- **Education Subcommittee** – Subcommittee Chairman Steve Brittle reported the subcommittee did not meet this quarter.
- **Grant Subcommittee** -- Subcommittee Chairman Tim Newbill reported to the subcommittee did not meet this quarter.

- **Membership Subcommittee** -- Subcommittee Chairman Timothy Jones reported the subcommittee did not meet this quarter. Mr. Jones introduced Mr. Thomas Waldillig along with his request for membership. Mr. Jones highlighted Mr. Waldillig work within bio-terrorism at the Maricopa County Department of Environmental Services. Chairman Spencer informed the committee that he works with Mr. Waldillig on almost a weekly basis with regards to Homeland Security and is highly placed in Environmental Services and Public Health in dealing with different aspects of bio-terrorism. A vote was taken and his request for membership was unanimously approved. Mr. Waldillig's name will be forwarded to the Arizona Emergency Response Commission for approval.
- **Plans Subcommittee** -- Subcommittee Chairman Spencer reported the committee did not meet this quarter. Mr. Spencer informed the committee that they had scheduled a meeting, however it was canceled due to Mr. Newbill's summon for jury duty.
- **Rules Subcommittee** -- Chairman Spencer informed the committee that the Subcommittee Chairman position is still vacant at this time. A meeting will be set up to assign a chair and reconstitute the committee upon the call for need to look at the rules. Chairman Spencer discussed the need to meet by the end of the year to look at the rules since it is necessary to review the rules every year.

Old Business

Report from AD HOC Subcommittee:

Dr. Thomas informed the committee that they have met twice since the ad-hoc committee was formed. During the last meeting they discussed was a reason for a plan to involve the Poison Center in providing medical information to both first responders and to the fire-law enforcement in the public health, as it related to hazardous materials incident. They discussed the need for Poison Center to have direct contact with some of the field then to have them go through the dispatch center, where you get second hand information, even though hopefully it would be highly accurate.

We talked with Chief Early about the potential of going to the regional operations consistency committee and present to them a proposal that will allow that to occur.

Subsequently, with Chief Shannon of Glendale, representatives of the Public Health Department discussed this, and Chief Shannon pointed out that Phoenix Fire already exist operational guidelines that allow the Poison Center, if they needed to, to call at the scene and get that information and that was confirmed on November 14th. As of the 13th, Dr. Thomas was told that his position with the Poison Center was eliminated and that he would no longer be the representative for the Poison Center. Since that time, Dr. Thomas and Ms. Witzel requested a meeting with the current leadership at the Poison Center to bring this issue back to them and ask them to what they are willing to commit at this point.

Mr. Shannon informed the committee that he received a call from Nate White who is the Program Manager for the MCTs. Mr. Shannon made a visit to the Poison Control Center and saw that equipment is bad and needs replacement. Mr. Shannon wondered if maybe Chief White and someone from Poison Control made contact because some were considering just software changes verses all the equipment.

Dr. Thomas informed the committee that he has a new title with Banner Health and that he is now the Assistant Director of Emergency Management and will be working with all the Banner Hospitals and all the Emergency Management Coordinators of each of our facilities to develop and improve our Emergency Management Program.

Chairman Spencer recognized that the ad-hoc committee is making some progress with starting to formulate a policy which goal is to establish recommended set of steps we can send out to all

the fire departments and as many medical facilities that we can on here is what we recommend when something goes bad.

Dr. Thomas recognized that the committee has all the right players but needs to confirm if the resource is available. If it turns out that the resource is not available to the first responders and the medical community, then we will need to go back with an alternative way to get that information, because the need is still there, we still have people in the community to get medical attention whether it is at a private physician office or in an emergency room, those providers need the best information.

New Business

➤ Hill Brothers

- Mr. Newbill discussed his meeting with Larry Fallis, he and his community had some concerns about Hill Brothers, so this was an opportunity to meet with Hill Brothers. Mr. Newbill, Dan Roe from AZSERC, and Mary Kanoon from MCDEM spoke with Hill Brothers about some of the concerns. Mr. Newbill cited a visit by Mary Wesling and her staff from EPA to Hill Brothers, a couple years ago with no negative feedback. During the meeting, Mr. Newbill requested an updated plan, which was provided.
- Mr. Roe informed the committee that EPA is going to visit Hill Brothers again in February, the drive around the neighborhood was pretty clear that issues with security require attention.
- Dr. Thomas requested a brief summary for the members who are unfamiliar with Hill Brothers, who they are and what they do and what was the prompt of the visit and get an update of their plan. Mr. Newbill replied with a brief description and cited his visit was prompted by Mr. Fallis' visit. Mr. Roe informed the committee that Hill Brothers among others facilities popped up on the radar screens specifically because of Risk Management Plans and the manner in which they responded to some information.
- Mr. Brittle reported that earlier in 2003 he had the opportunity to review most of the files of the RMP within Maricopa County and information about this facility. He arranged a meeting on August 23rd between someone from the City of Phoenix Managers Office and two people from the Phoenix Fire Department, one being Bob Khan. Mr. Brittle discussed his results from studying the ALOHA Modeling, it is obvious that a mile and a half away from that facility would be unfortunate.
- Chairman Spencer discussed his concerns as a certified instructor in ALOHA that he get nervous when people download and use it and come up with what they think is valid information, you have to be very careful or you have to know quite a bit about weather conditions, local conditions, you have to look closely at what ALOHA, will or will not do, and it will not do anything but toxic gases, it has to be something that will turn into a gas, so those are some cautions. Chairman Spencer questions why this one facility is picked out, because there is a lot extremely hazardous substance facilities in our County. Chairman Spencer recognized that EPA is inspecting again in February, which will provide us with valuable information.
- Dr. Thomas queried if we feel then, that as a LEPC, we have done everything that we should have done, in terms of planning and notification.
- Mr. Brittle believes that we might want to have a meeting out in that community. As a LEPC, we need to engage the community and see what they think. Mr. Brittle would like to see a special subcommittee that will have a hearing out there to examine the issue, where the public can attend.

- Chairman Spencer asked if Mr. Brittle was offering that as a motion. It was second by Dr. Thomas to move on to discussion. Chairman Spencer addressed the motion and a second to form an ad-hoc committee to review the Hill Brothers facility.
- Dr. Thomas questioned what has the management of the company done, in terms of warning the community or those that are in the neighborhood about what the risk are. So before I would want to go to a community meeting, I would at least want to ask for some kind of dialog from management to see, after reviewing their plan, what they see as their role and what they can offer, as their responsibility to the community to inform them of what the hazardous and likelihood of a problem occurring.
- Mr. Newbill informed the committee that he did attend Hill Brothers with the EPA and any information that EPA asked for, they provided. They seem to be rather accommodating. Dr. Thomas stated that it is very encouraging and that is why it is important to meet with them first, if we start out with a public meeting then that might actually put them on the defensive.
- Chairman Spencer suggested having a planning subcommittee meeting within the next quarter. Bringing Hill Brothers to the planning committee, ask them these questions, bring back to the whole body, next LEPC meeting, along with any information we get from an EPA visit and formulate a community workshop, are you willing to put it on hold for that period of time and do that preliminary developments.
- Mr. Brittle addressed his concern of not going to the community first. He see no reason why we can not go talk to the people in the community on what their concerns are and maybe meet with Hill Brothers at the same time, or later.
- Mr. Puckett informed the committee about a pilot program through the State Emergency Response Commission that he is involved with, which is similar to what we need. Develop a process in which we can go and engage in the industry and community, educate the citizens in that area to engage them in and feel more comfortable without pre-planning before an event. Currently it is still in the planning process to narrow the focus to some thing realistic.
- Mr. Shannon addressed to the committee his concern to bring; prior into bringing in anything to the community would be to have at least some sort of response for them. He does not think there is harm in saying the dialog has begun and that management is not resistant to discussion. This should at least give the community something at the time that you meet with them, otherwise, it is like a gripe session, which is their right, but he would hate to leave them with just that.
- Mr. Coyle questioned what the reason and outcome of the meeting would be. He agrees with the committee about the urgency, however, he does not think it is a good idea to go to community and listen, and have nothing to offer. That indicates more inactivity then anything else.
- Chairman Spencer acknowledged a motion on the floor to form an ad-hoc subcommittee to decide the steps it wants to take to get to the point of that community workshop. Volunteered members include Steve Brittle, Dr. Thomas, Mary Price, and Michael Trapasso.

➤ DPC chlorine release

- Chairman Spencer informs the committee that an invitation to have DPC present at the meeting was declined.

- A follow-up report from DPC was provided to each member of the committee. Mr. Brittle cited on the report, stating that it was certainly a better follow-up report than from Central Garden, but information he received would indicate that this isn't accurate. He suggested that after we hear some of the testimonies today, we might want to ask this facility to answer some questions or update the follow-up report.

Call to the Public

- Reverend Ron Friesian is a pastor in the community at 3643 West Glendale Avenue. He has lived in Phoenix for over 20 years and is the Chairman of the Black Canyon C.L.O.U.T., which stands for Community Leaders Organizing for Urban Transformation. Our particular community organization represents a community from Indian School, north to Dunlap and 43rd Avenue to I-17, approximately 10 square miles. Before you I would like to place a series of questions, for the record. These questions are based on 42 USCA 11003, which is part of EPCRA 303, Comprehensive Emergency Response Plans and these questions relate to the chlorine spill at DPC on November 17, 2003.

I've asked for a written response and so these are my questions.

What was the date of the last review of the Maricopa County Emergency Plan for a spill at RMP Locations? I understand there is a difference between RMP locations and just your local Basha's Store that has a few pool chemicals in it, so we're talking a major institution.

What are the plans for a review of the Maricopa County Emergency Plan in light of the spill at DPC Facility at Pasadena Ave? And is such a review underway? As you review the documentation from the first responders to this spill you will note that the police command station was moved three times, and you will hear further documentation for that.

What facilities has the Maricopa County Emergency Planning Committee identified as being at high risk due to their proximity to the major transportation corridors (freeways, parkways, railroad tracks)?

What facilities has the Maricopa County Emergency Planning Committee identified as being at high risk due to their proximity to RMP facilities? So for example, I'm assuming that all of Alhambra School District knows about your plans, that there are discussions with them, about them Alhambra High School is just down wind from Hill Brothers and DPC, so we're talking about major institutions, we're talking about nursing homes, we're talking about apartment complexes, we're talking about major institutions.

What discussions have been held with aforementioned facilities, questions three and four, about emergency response plans in event of a spill? So, what documentation can you provide, as my right to know, that you have met with these people, and said yes, we have (inaudible) and have done this and this with these people.

What review is currently underway to evaluate the methods and procedures used in response to the DPC spill? We all read that there is a EPA review of the spill, as is always mandatory after a major spill, and I read the DPC report to its spill, in I believe, Kentucky, it's all on the Internet, it's 97 pages, so I didn't want to use up all of my ink to print it out, but I read it and it was interesting and enlightening, I presume from part of your response, in terms of you have your own plans. What evaluation has occurred in relation to the response of the medical facilities, for example, Maryvale Hospital that closed its facilities within hours of the spill, because of overload, so... What procedures were followed to provide reliable, effective and timely notification by the community emergency coordinator to the public that a release occurred at DPC?

In the even that the procedures in the place on November 17th, 2003 failed to meet the standard of reliable, effective and timely notification, what procedures have been undertaken to revise the procedures?

Ninthly, what methods were used to determine the occurrence of the release at the DPC plan and to determine the area or population to be affected by the release?

What were the evacuation plans for the DPC release? Were the operators of the train track informed of the spill? What plans were there for alternative routes? The train provides a major (inaudible) trouble, you can sit there and watch the train (inaudible) back and fourth, and that's a major issue, if your trying to talk about evacuation plan, so does Union Pacific know what your plans are, you have two facilities DPC and Hill Brothers right on the track and if there is a major spill, what, how are they coordinated with you and your plan.

And finally, what training programs and schedules for the training are underway for local emergency responders and medical personnel?

And I would like a written response for the above questions in a timely manner in accordance with the federal law and I do have my address on there.

- Lawrrie Fitzhugh is on the board of the Sevilla Neighborhood Association. Ms. Fitzhugh provides the committee a map of her community, which will be added to the records. The Sevilla Neighborhood Association is a square mile between Bethany Home, South of Camelback, and 35th avenue west of 43rd Avenue. The community is highly a mixed community, 55% of our homeowners are Hispanic speakers, in addition to English, 18 other languages.

On November 17th, my neighbors and I stood in the streets wondering what was that smell, I'm at 39th Avenue and Monte Bello, it was chlorine, we were discussing what could be the source of it. And during the next two hours, listening to my police scanner, I became curious, concerned and horrified at what I was hearing, what I heard about was our police officers from Phoenix being called back urgently retrieving from the area because they did not have the equipment that they needed to be present in that environment. There was great confusion about what chemical was being leaked or what the nature of the problem was. I called my district councilman and they did not know what was going on, I made 3 or 4 more calls over the next 2 hours, at some point. We eventually evacuated the area, not because I was in the evacuation zone, but because I started coughing so badly, I needed to leave. I gathered neighbors and pets and notified neighbors as best as I could on my block-watch which is 20 houses, that we need to pay attention and make arrangements for our children and leave. Looking back, I'm very disturbed as a native Phoenician, today standing here in 2004, of what that day was about and how it unfolded. People were turned away from Maryvale Hospital because they couldn't care. A number of people going there for care, as those being turned away, they were told to go to other areas but they didn't know where they should go for medical care, as people were being evacuated, in the designated evacuation zone, they were told to go through the contaminated zone to get to Maryvale Hospital. I was very disturbed that our police officers were put in such a old fashion way of notifying the community, by taking their police cars and going street by street and hitting dead ends and not knowing where they needed to go.

The evacuation zone that was designated on that day was insufficient. We have an opportunity, that's what I keep telling people in my neighborhood association, they are very agitated about this. We've discussed this at our last 2 meetings; our November and December meetings. This is an opportunity for us to get it right. We were falling on our faces and we did not know what to do. Our schools, closed up in lock down, but they did so as if there was an armed man running through the campus, not as though in response that there was an air-borne threat. Within this area, you will find, close to Hill Brothers, Andalucia School, which is a elementary school, you will find Sevilla Elementary School, which is my school, it houses almost nineteen hundred children, you will find Alhambra High School, not including staff houses about two thousand students, you will find Granada East and West Campus. You'll find Grand Canyon University and Bourgade High School on those maps within close proximity to Hill Brothers.

If DPC was an example of how it's to work, I'm terrified. It was not acceptable. The 9-1-1 systems totally ignored almost two hundred houses in the heart of our community within the evacuation area; they don't even show up today on City of Phoenix 9-1-1 system or the Fire Department, they have been built out about two and a half years; those people were concerned

and confused. Hispanic households got English notification calls, English households got Spanish notification calls, on the 9-1-1 reverse system, in addition, the English household that got English calls the message in some ways was defected or grabbed or resorted and they didn't know how to respond.

God gave us an opportunity to get it right. That is why I'm here today to urge you to have a discerning eye and open mind of what we can learn from what happen at 4909 West Pasadena on November 17th, mid-day when we were in the middle of our lives. And how we can apply those things to improve the system.

- Chairman Spencer added he would like to throw an assignment toward the ad-hoc committee to bring someone from the CENS, (Community Emergency Notification System) Group to talk about the parts that work and the parts that did not work. .
- Mr. Shannon expressed his hesitation to add his name to the ad-hoc committee list was mostly because the incident happened in his jurisdiction and he is ultimately responsible for the management issues that come up in the discussion. He added a bit of information that came from the Chemical Safety Board, which made an inquiry into this and they were very pleased with the coordinated response. From an incident management point of view, the issues that come up that related to personal safety and then public safety are being seriously considered and so both sides of the fence, not only the citizen group but also the response groups are looking at this very hard.
- Mary Ryle lives north of Bethany Road Home and 38th Avenue. I was out working in my yard that day and all of a sudden I was coughing and hacking, experiencing the chlorine gas inhaling it, I have a pool I'd know how it's like. And I've had oncoming problems with it ever since, burning of the throat. I'm very concerned, even though the Hill Brothers have been there for a long time, it's a different state of affairs now. I think we really need to take a look at safety and letting your neighborhood know what's going on. I didn't believe it would reach that far, but it did.
- Larry Fallis has been with the Cordova Neighborhood Association for about 12 years. We are north and west of Hill Brothers and east of DPC. I moved to Phoenix in 1981 and have tried to educate myself about the County, the city and the other cities in the Valley and my neighborhood and the surrounding neighborhoods. I have gotten involved in a variety of civic activities which have provided further opportunities to learn about the area, but somehow I never learned until very recently about the large amount of chemicals and extremely hazardous chemicals which are produced, stored, packaged and processed in metropolitan Phoenix, with many of these chemical facilities in very close proximity to populated areas.

As a former member of the Alhambra Village Planning Committee and the Arizona Power Plant & Transmission Line Siting Committee for the past 11 years serving on the Cordova Neighborhood Association in west central Phoenix, no public official ever provided me with information concerning these facilities. Nothing was ever told about the number and location of these facilities, nothing about the amount of chemicals stored or processed at these facilities, nothing about the risk or hazard, and certainly nothing about emergency response plans in the event of an accidental release.

It wasn't until three months ago, through the C.L.O.U.T, I learned that within about a mile and a half of where I lived was Hill Brothers and they process a great deal of chemicals, and is reputedly the largest chemical facility in metropolitan Phoenix. I and two other persons associated with C.L.O.U.T were asked to do some research on Hill Brothers. In the process we also began to learn about the Emergency Planning and Community Right-to-Know Act. And little by little, we're learning about the agencies and advisory bodies involved in enforcement, monitoring and emergency planning related to hazardous materials.

The most important thing I have learned about Hill Brothers is that it processes at least five chemicals, which meet the EPA definition of extremely hazardous substance. And because of the

large quantities of these chemicals on hand, Hill Brothers is required to submit annual Tier II reports to the EPA. I got a copy of the Tier II form from Tim. The chemical, which concerns me the most is chlorine, which Hill Brothers keeps in three 90 ton rail cars on a siding on the west side of their facility. These three tank cars, alone with three other chemical tank cars, are clearly visible from 43rd Avenue. You can park your car at the Federal Express parking lot on 43rd Avenue and walk across an empty lot, and go right up to a chain link fence, which is about ten feet away from the tank cars. There is a sign warning that there is video surveillance, but I doubt it.

So my first two concerns about Hill Brothers are, number one, with the tremendous quantity of chemicals, particularly chlorine (90 tons times 3 tank cars times 2,000 pounds per ton equals 540,000 pounds, and two, the lack of security, as evidenced by the chemical easy visibility to anyone including malicious individuals with terror on their minds.

I also have met with representative of the Special Hazards Unit of the Phoenix Fire Department and learned that, while this special hazard unit is actively monitoring those aspects of Hill Brothers operations and facility, which come under the Phoenix Fire Code, they have only been doing since 2001. I also learned that the City of Phoenix, which concerns me a lot, has no regulation, which establishes maximum quantity thresholds for the storage of chemicals, nor any type of limit related to proximity to populated areas and the spill plumes of these chemicals. I would like to submit a copy of this to put in your minutes.

- Mr. Frieson and Ms. Fitzhugh further highlighted security issues and the importance of resolving them.

The next meeting will be held April 7th, 2004; the location of the meeting will be announced by mail and/or e-mail.

Adjournment

Chairman Spencer adjourned the meeting at 3:32pm.

Dated this 26th day of February 2004.

LOCAL EMERGENCY PLANNING COMMITTEE

Submitted By: _____
Mary Kanoon, Recording Secretary

Reviewed By: _____
Robert E. Spencer, Chairman